

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

QWEST COMMUNICATIONS
INTERNATIONAL, INC.,

Plaintiff,

v.

CONQWEST, INC.,

Defendant.

Civil Action No. 04-cv-11878 RCL

JOINT MOTION FOR PARTIAL AMENDMENT OF SCHEDULING ORDER

Conscious of the fact that the parties recently jointly moved (Docket #23) to extend fact discovery to March 31, 2006, and that the Court ordered that fact discovery be completed by January 30, 2006, the parties move for a further modification of the scheduling order to extend the fact discovery deadline to February 28, 2006.

As grounds for this motion, the parties state as follows:

- (1) The parties are cooperating on the mutual scheduling of discovery matters in this case, including identifying the needed discovery and the scheduling of such discovery for the mutual convenience of the parties in an efficient manner;
- (2) A lengthy telephone conference between undersigned lead counsel for the parties on Thursday, January 19, 2006, for example, served, in part, as a Rule 7.1 conference that obviated several pending discovery disputes that were blocking forward progress and heading toward motion practice;
- (3) Lead counsel are in agreement that fact discovery cannot, in fact, be accomplished within the current deadline of January 30, 2006, despite good faith efforts of both parties;

(4) No party will be prejudiced by the requested extension of time;
(5) The proposed new date for completion of fact discovery (February 28, 2006, is intermediate the date earlier proposed by the parties (March 31st) and the date ordered by the Court (January 30th) that will not require extension of any of the later dates set by the Court in the current scheduling order.

WHEREFORE, the parties respectfully request that this motion be allowed.

Dated: January 23, 2006

/s/ Heidi E. Harvey
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 23rd day of January, 2006.

/s/ Heidi E. Harvey
Heidi E. Harvey